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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/554,245

07/28/2006

Rolf Rospek

306.45490X00

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10/06/2009

ANTONELLI, TERRY, STOUT & KRAUS, LLP  
1300 NORTH SEVENTEENTH STREET  
SUITE 1800  
ARLINGTON, VA 22209-3873

EXAMINER

FIDEI, DAVID

ART UNIT

PAPER NUMBER

3728

NOTIFICATION DATE

DELIVERY MODE

10/06/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

dlee@antonelli.com  
rrodriguez@antonelli.com  
lthenor@antonelli.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/554,245	<b>Applicant(s)</b> ROSPEK ET AL.	
	<b>Examiner</b> David T. Fidei	<b>Art Unit</b> 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/25/05</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

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### ***Election/Restrictions***

1. Claims 1-7 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on August 6, 2009.

### ***Specification***

The specification lacks the title headings. These guidelines are suggested for the applicant's guidance.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

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***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 8-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al (US 5,005,694) in view of DE 32 26 744 (cited by Applicant). Davis et al discloses a packaging for transport of detonating cord. The detonating cord (55) is wound in a single plane as a flat spiral around the supporting posts (55, see figure 3). The difference between the claimed subject matter and Davis et al is that there is no disclosure of X-ray examination of the detonating cord in its packaging. DE 32 26 744 teaches the examination of detonating cords by a radioactive source is well known (see form PCT/IPEA/409 made of record). Since an X-ray is a source of radiation, the language is broad enough to encompass the examination disclosed by DE 32 26 744. It would have been obvious to one of ordinary skill in the art to subject the package of Davis et al to X-ray examination as taught by DE 32 26 744 for the reason of determining whether or not the detonating cord has any flaws.

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As to claim 10, shipping a package that has no flaws would have been within the level of ordinary skill to one versed in the art.

As to claims 9, 12 and 14-18, nothing is recited therein that further limits the method in a manipulative sense.

5. Claims 8-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owen (US 4,817,787) in view of DE 32 26 744 (cited by Applicant). Owen discloses a packaging for transport of detonating cord. The detonating cord (33) is wound in a single plane as a flat spiral (defined by loop 35) on a base plate (25) made of pressed board. The difference between the claimed subject matter and Owen is that there is no disclosure of X-ray examination of the detonating cord in its packaging. DE 32 26 744 teaches the examination of detonating cords by a radioactive source is well known (see form PCT/IPEA/409 made of record). Since an X-ray is a source of radiation, the language is broad enough to encompass the examination disclosed by DE 32 26 744. It would have been obvious to one of ordinary skill in the art to subject the package of Davis et al to X-ray examination as taught by DE 32 26 744 for the reason of determining whether or not the detonating cord has any flaws.

As to claim 10, shipping a package that has no flaws would have been within the level of ordinary skill to one versed in the art.

As to claims 11, 12 and 15-18 the type of cord, use in the oil and natural gas industry, individually spaced laps and the detonating cord sealed in a bag does not define any manipulative steps that distinguishes over the prior art.

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6. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owen (US 4,817,787) in view of DE 32 26 744 as applied to claim 9 above, and further in view of Gaston (US 5,007,230). To the extent that the space between the laps recited as produced by a spacing cord defines a method that distinguishes over Owen (US 4,817,787) in view of DE 32 26 744, Gaston discloses a packaging having spiral wound detonating cord (6) with spacing between the laps produced by a spacing cord (7, see figure 2). Also the last lap of the spiral is passed over the rest of the spiral (see figure 1, with part shown in phantom). To provide a detonating cord having a spiral configuration with having a spacing cord as taught by Gaston would have been obvious for the reason of providing a greater length of cord on the board.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Oster (US 5,704,473) is cited for the showing of a seal bag to hold a spirally configured product, see figure 7. Colligan et al (US 5,669,409) is cited for the disclosure of figure 5 where a length of elongated material (16) is wound into a spiral configuration for packaging. Friedman (US 4,411,364) is cited for the disclosure of bag attached to a base, see figures 1-3.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David T. Fidei whose telephone number is (571) 272-4553. The examiner can normally be reached on Monday - Friday 8:30 am - 4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David T. Fidei/

Primary Examiner, Art Unit 3728